

FILED

NOT FOR PUBLICATION

DEC 01 2015

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

DAVID LEROY NEWMAN,

Plaintiff - Appellant,

v.

BANK OF NEW YORK MELLON CORP., as Trustee for the Certificate Holders of CWMBS, Inc., CHL Mortgage Pass-Through Trust 2007-HY7, Mortgage Pass Through Certificates 2007-HY7 (“BONY”), FKA The Bank of New York; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; BANK OF AMERICA, N.A.,

Defendants - Appellees.

No. 13-17297

D.C. No. 1:12-cv-01629-AWI-GSA

ORDER

Before: **KOZINSKI, BYBEE and CHRISTEN**, Circuit Judges.

Oral argument currently scheduled for December 7, 2015 is **VACATED** and submission is **DEFERRED**. The parties are ordered to file simultaneous supplemental briefs addressing whether this Court should continue to defer submission pending a decision by the Supreme Court of California in Keshtgar v. U.S. Bank, 334 P.3d 686 (Cal. 2014) (No. S220012). The briefs may not exceed

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5,000 words, shall be filed no more than 14 days after this order and must comply with Federal Rule of Appellate Procedure 32.